

Standing at the Crossroads:

The Bush Administration and the Anniversary of the Clean Water Act*

EXECUTIVE SUMMARY

October 18th marks the 31st anniversary of the modern Clean Water Act. This landmark environmental statute established a national commitment to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. It is the main reason the Nation's waterways have shown dramatic improvement in water quality, even as the population has increased by nearly 40 percent. The Clean Water Act has been instrumental in improving the health of rivers, lakes, and coastal waters. It has stopped billions of pounds of pollution from fouling the water, and dramatically increased the number of waterways that are safe for swimming and fishing.

The successes and failures of the Clean Water Act can be succinctly stated. In 1972, only one-third of the Nation's waters met water quality goals. Today, two-thirds of those waters meet water quality goals. The Nation has doubled the waters that meet water quality goals, but there is still much work to be done: one-third of our Nation's waters fail to meet water quality goals first established more than 30 years ago. For example:

- In 1972, most estimates were that only 30 to 40 percent of the assessed waters in the United States met water quality goals; today, States report that 60 to 70 percent of assessed waters meet those goals – an increase of 100 percent;
- In 1968, sewage treatment facilities served approximately 140 million people in this country, many at only a primary treatment level (a level of treatment that screens and settles solid pollution); today, after Federal investments of more than \$80 billion in wastewater assistance since passage of the Clean Water Act, 189.7 million people, representing more than 73 percent of the total population, are serviced by more than 16,000 publicly owned treatment works providing secondary (a level of treatment that also incorporates bacteria to digest organic matter in wastewater) or more advanced treatment (additional measures typically intended to address nutrients);
- In 1972, the country lost an estimated 450,000 acres of wetlands each year; today, wetlands losses are estimated to be less than one-fourth that rate.

The Nation now stands at a crossroads in the restoration and protection of its waters and wetlands. One path improves upon the successes of the last 30 years and will finally achieve the goals of the Clean Water Act of fishable and swimmable waters. The other path leads to the very real possibility that progress could be lost. It is simply a question of priorities and commitment. Unfortunately for this and future generations, the Bush Administration is pursuing the latter path, in spite of clear warning signs that our progress in cleaning up the Nation's waters may be slipping.

* Executive Summary of a report released by the Honorable James L. Oberstar, Ranking Democratic Member, House Committee on Transportation and Infrastructure.

The actions – and lack of action – of the Bush Administration on water quality are slowly and steadily undermining the successes of the Clean Water Act. For example, in the first three years of the Bush Administration:

- President Bush suspended implementation and later withdrew the Environmental Protection Agency's rule on Total Maximum Daily Loads ("TMDLs"), which would have given States an additional tool in addressing the more than 20,000 rivers, lakes, streams, and other waterbody segments that remain polluted to the point of endangering public health, and no alternative is proposed;
- President Bush is providing no leadership on additional efforts needed to control nonpoint source pollution – the greatest continuing source of impairment to the Nation's waters;
- President Bush undermined the efforts of previous administrations to control polluted runoff from animal feeding operations – a significant contributor to water quality impairment for many coastal cities and communities;
- President Bush remains silent in the wake of the Supreme Court's decision in *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers*, which eliminated Federal protection over millions of acres of Federally protected waters and wetlands;
- President Bush proposed to abandon the decades-old interpretation on the scope of the Clean Water Act over the waters of the United States through changes which radically reduce the number of waters that would remain under Federal protection, including abandoning an estimated one-fifth of the Nation's waters;
- President Bush significantly weakened the Corps' Nationwide Permit program, overturning stricter environmental standards for the Nation's waters, and allowing the continuation of activities that damage or destroy thousands of acres of wetlands and miles of streams every year; and
- President Bush has repeatedly undercut, under-funded, or simply ignored Federal enforcement of laws, programs, and policies related to water quality.

Especially disturbing is the opposition of the Bush Administration to bipartisan Congressional efforts to increase Federal investment in the Nation's wastewater and drinking water infrastructure. As our population grows, we must substantially increase our wastewater and drinking water infrastructure, to maintain and improve the quality of our water. Failure to make the necessary infrastructure investments will lead to a serious deterioration in water quality.

Taken as a whole, the 30-plus-year history of the modern Clean Water Act has been a tremendous success. The past 31 years have also provided us with significant insight on where the Clean Water Act has failed – most notably in controlling various nonpoint sources of pollution. However, now, even when armed with the knowledge of how far the Nation has come, and how close it is to finally achieving the fishable and swimmable goals of the Act, the United States stands on the threshold of throwing all these successes away, and reverting back to the days of rivers that burn, lakes that are dead, and waterways that are sewers.

The actions of the Bush Administration clearly demonstrate how easy it is to turn the clock back on protecting our Nation's waters. In three short years, President Bush has shown that the decisions, priorities, and policy choices made by his Administration can mean the difference between concerted efforts to restore and protect our most vital natural resource from pollution, and efforts to undermine these protections.

Clearly, the Nation has a choice – the final chapters on the Clean Water Act have yet to be written. The questions remain – which path will be followed; will the Administration and Congress finish the job of achieving the goals of the Clean Water Act?